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MEMORIAL ADDRESS

DELIVERED BY

JUDGE GEO. HILLYER

AT

MILLEDGEVILLE, GA.

APRIL 26, 1913

A Plea for Justice to Seceded States;
To the Confederate Veteran;
And to the Negro

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This address leads up to and concludes with a new and very practical view of the Pension Problem.

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JUDGE HILLYER'S ADDRESS.

I shall say some things different from what you ordinarily hear from a chosen speaker at a Confederate Reunion. The new matter, however, will be reserved until towards the last, for I want to begin by making some allusion, speaking out of a full heart, to the grand historic incidents crowded into the days of the war and followed by the amazing developments of the fifty years that have intervened from then until now.

We have here before us survivors of the historic and heroic struggle of the 60's. There is nobody living on the face of the earth who can claim any higher honors than the grand men who fought with Lee and Johnson, with Beauregard and Hood in that tremendous struggle, and for the younger generation it is inspiring to look into their faces and remember their deeds. There is poetry in the very thought that these men make a link between those days which tried men's souls and the pleasant times of ease and plenty.

I have been here a good long time myself, and my own recollection goes back to just two persons who, in my childhood and youth, could tell me of things that happened of which they were personal witnesses during the Revolutionary war. One was an old lady, who died in 1855, when I was 20 years old. She lived about a day's journey from Yorktown, in Virginia, and was raised there. She lived there during the time that Yorktown underwent the celebrated historic siege by the Americans under General Washington and the French fleet under Count DeEstainge. I have heard her tell of seeing the curve made by the shells thrown at night from the French fleet into the British fort, and of hearing the boom of the cannon whenever the air was still during all the time that the siege lasted. I have heard her tell of a messenger who, at the last, came galloping through the village where they lived, and proclaimed in loud voice that Cornwallis, the British commander, had surrendered; and then the messenger galloped on with the glad news to the North.

In the same period of my life I knew an old, old man, who lived in the same part of Virginia, and I have heard him tell about a certain occasion when there was a wedding in the neighborhood where he lived, and which was attended by General Washington. This old man, though a boy at the time, was with his family a guest at the wedding, and he distinctly remembered having been presented to General Washington, and having shaken hands with him.

These two old people were fine characters, without reference to the special or particular incidents I have mentioned, but there was an added and very real glory in the fact that they formed a distinct and unbroken link which brought down Yorktown and General Washington to the day in which I heard them relate the incidents mentioned, and there is a continued interest—a very real interest, in the fact that I have the privilege of repeating and perpetuating them before you today. If either one of those old people could be produced here on this stage, not a human being in this audience would fail to rise and take off his hat and shout as this warm hearted and patriotic people heard their words and looked into their shining faces.

You have before you these gray-headed veterans, decimated and thinned in numbers as they are, but among them probably there is not one who has not looked into the faces of Joe Wheeler, N. B. Forrest, Clement A. Evans, Alfred H. Colquitt, John B. Gordon, James Longstreet, Braxton Bragg, Joseph E. Johnston, John B. Hood, Rance Wright, Tige Anderson, H. L. Benning, George Doles, W. T. Wofford, Phil Cook, Wade Hampton, Stephen D. Lee, Stonewall Jackson or Robert E. Lee.

Oh! If the heroic deeds in which they were actors could be perpetuated on canvas and in stone, or pictured in the world's real poetry, posterity could have no greater treasure; but even without that, the splendid deeds of these men are written in the hearts of their countrymen. History is more and more coming to the true standard of doing them justice, and they will live in the hearts of all who are good and true of the human race, so long as civilization shall last. They were kind and gentle as well as strong and brave. I wish I had time to tell you of incidents of which I was myself a witness, to show both the goodness, the tenderness and the

bravery of the Confederate soldier. How proud Baldwin county is of her General George Doles and his brother, Ernest; Capt. T. F. Newell and his brother, Isaac; Capt. Louis Kenan and his brother, the surgeon, and all the roster of her noble heroes!

I went to the war with a company from Walton county, which formed a part of the 9th Georgia regiment. In the same regiment was a gallant company from Baldwin county. I would not disparage those who went to the war in other companies, but as I recollect it, one of the first from Baldwin was that splendid company commanded by Captain Beck, afterwards promoted to colonel of the regiment. In the same company was Captain W. T. Conn, still spared as an honor and a blessing to us all. There were the two Fairs, Joe Tucker, Isaac Sherman, and oh, the whole gallant band who sprang to arms and went out with Conn and Beck!

They are all gone, so far as I know, but Captain Conn, who smiles on us, and you smile as you look into his face today. May he long be with us in bodily presence, and his noble example will remain an honor and a guide for coming generations. I remember once, just after a hot fight we had gone through, he showed me a place where a bullet from an exploded shrapnel had struck him just below the knee. It made a great black spot, but did not break the skin. I reckon, though, he remembers it and how it felt, to this day. But it was God's providence that the injury was no greater.

I remember once seeing Joe Tucker, when out on the picket line he was daring the enemy's batteries. They shot at him with the cannon time after time, and at last a shell exploded just in front of him. There was a cloud of dust and smoke, and we thought Joe was gone, but he scampered out from the wreck and dropped into his rifle-pit unhurt.

As just stated, however, there is not time to indulge in individual acts and instances. I sum it all up with the statement that when we went to the war, it was quite generally calculated that the yankees would outnumber us three to one, and the task we undertook was deliberate that we would fight three to one. Now, I claim no more than history when I say that we did fight three to one and the South whipped three to one, and we would have gained our independence, but

the fact turned out to be that the enemy had more than four to one, and it was for that reason, and that reason alone, that the Confederacy met with failure and defeat. The official records show that there were enlisted on the Southern side, counting and including everybody—teamsters, musicians, hospital nurses, and all others—all told, not more than 660,000. The records show that on the other side were enlisted something over 2,800,000. It was because they outnumbered us and had the greater strength that the South failed, and not for any lack of devotion to duty, or want of faith or yielding of spirit on our part. The war ended as it did because we were outnumbered and over-powered—for that reason and that alone—but we accepted the result in good faith and swore allegiance to the government, and here in this sacred presence I make bold to say that the United States has no more loyal citizens and will find among them no more loyal and efficient defenders agaist every attack than the people who inhabit the territory once included within the limits of the Southern Confederacy. There has been, every once in a while, just a little talk that possibly somebody at the North would not stand it if the government did thus and so about the tariff or currency, or some matter of public policy. Well, let it be understood that the right of secession was settled by the war, although it had never been settled until Appomattox. It was settled at Appomattox and it remained settled. If anybody at the North wants to change sides on that question and thinks they can secede on account of something done by the United States, let them try it, and then let Uncle Sam call for volunteers at the South to go there and reckon with them about it, and you will see what would happen.

2.

The Women of the Confederacy.

But the Confederate soldiers were not the only heroes in the trying times of the war. The women of the South won laurels and were entitled to praise. Just think of it! How almost universally the men left their homes and went to the war, leaving the women and children by themselves. Sometimes for ten miles around there could not be found a soli-

tary ablebodied man, outside of the sick and the aged; a few doctors and preachers, or something like that. Governor McDaniel once told me that in the county of Walton, where he and I both lived, there were first and last something more than 1,500 enlisted men who went to the war, and yet that county usually voted at elections only about 1,100. In Baldwin county a similar comparison stands equally honorable.

I give you these two counties merely as specimens. It was very generally true throughout the South that the counties sent more men into the war than they had voters. The reason for this was, that all the boys shouldered their muskets and joined their fathers and brothers in the camp as soon as they arrived at the early age of 16 or 17. And yet the noble women thus left behind with the children and the negroes, continued to cultivate the land and raise the crops and keep the peace and make food for the armies, and all the time never a whimper of discouragement or despair was heard from the women, but with more than Spartan courage and heroism they bore their trials, stifled their tears, ever giving words of encouragement and cheer to their fathers and brothers and husbands who fought for home and native land against what I cannot help saying was a war of invasion, violative of principle and humanity, and against which every inhabitant of the South not only had the right to resist, but against which it was his duty to resist. The hearts of the women are in the Southern cause to this day. They are here to give words of encouragement and cheer to these noble veterans. They are here to strew flowers on the graves of those who have gone before, and may the time never come when they will themselves admit that their fathers were wrong in the struggle or cease to teach their children to honor and revere the names of the men who fought for it and died in it, or those who yet survive that struggle, and continue to honor and revere it.

3.

The Origin of Secession.

Secession was a New England idea. I cannot elaborate this, but I assert it as a matter of history that in the first

40 years after the adoption of the United States constitution the notion was generally held in New England that the compact of union was voluntary, and that a state had the right to withdraw from the Union whenever it was mistreated or oppressed by the government and that the state was to be the judge as to whether the cause for secession was sufficient in the particular instance. Josiah Qunicey was a notable instance of this among New England public men, and it found culmination in what is called the "Hartford Convention," which was held during the war with England of 1812. It is almost a certainty that New England would have then seceded from the Union and set up for herself just like the Confederacy tried to do 50 years later, if it had not happened that the United States made peace with England at the close of the year 1814. During his time, the Southern states usually held the contrary view. The Southern states had gloried in the Union and in loyalty and every feeling of fraternity towards their Northern brethren. A notable instance of this was when the Chickasaws and other Indians and the white trappers about the year 1748 defeated a French army that was moving from New Orleans annd Mobile, then held as French territory, towards Canada for the purpose of meeting a similar army under the command of Vincennes, that was descending the Mississippi for the purpose of uniting the French dominion in Louisiana with the French dominion in Canada, the latter being then also held by the French monarchy. These Indans and trappers defeated and destroyed teh column that was marching north from the mouth of the Mississippi and Mobile, and also lying in wait, they defeated and annihilated the French column from the North under Vincennes, the French commander, who was killed. Both these battles, and especially the latter were fought mainly with powder sent out from the then infant colony of Savannah, Georgia, and both these battles were fought on what was then Georgia territory, the state, in its generosity, having some years later ceded what is now Alabama and Mississippi, as a territory at that time, to the United States.

When the Revolutionary war commenced, a company of gallant young men in Savannah captured a British ship in the harbor, loaded with ammunition, mainly powder. Instead of throwing the powder into the sea like the Bostonians did the cargo of tea that we hear so much about, these young Georgians brought the powder on shore for future use. Large portions of that powder were sent to the North when the Revolutionary war with England began in 1774 and 1775. It was with that powder largely and perhaps it may be said with that powder mainly that General Washington supplied his batteries in the siege of Boston, and with it drove the British out of Boston.

Go where you will, through the pages of the history of our country, down to the time when the war of seccession began, in the contests with England; in the Indian wars from one end of the country to the other; and in the Mexican war; in every crisis, the blood of the South was freely poured out, and Southern men were just as ready to die in defense of the Union, whether the theatre of the contest was north of Mason and Dixon's line or south of it. But when through the unfortunate quarrel over the question of slavery the two sections became estranged, and the guarantees of the rights of the South, plainly written in the constitution, were trampled under foot by the Northern states (more by the Northern states than by the national government itself), the South, despairing of obtaining justice in the Union, resolved to secede. Her people did what, according to ideas conceived and understood up to that time, she had a right to do. It was a crisis of which she had a right to inquire and decide for herself, and she broke no law and committed no crime when she decided the merits of the quarrel in her own favor, and when the Northern armies invaded her territory, her sons shouldered their muskets and manned her cannon in her own defense.

I have shown that the cause of the war was not any overt act or aggression on the part of the South, but because the North violated the constitution herself at the beginning with reference to the grounds of the dispute, and then wrongfully invaded Southern territory. The South acted on the defensive and was in the right in the quarrel from

the beginning to the end. It was the North that broke the constitution and the law. The South was defending law and home. In the real essence of the quarrel, it was their rebellion and our secession. But as I said before ,the war settled the quarrel—settled it forever—and the living issue is, what shall now be done about it?

4.

The Colored People.

But before I answer that I must call attention to another factor that exists in the problem. The colored people were brought to this country by the British and the Yankees. They were not brought here by the Southern people. In that magnificent address by Gen. Henry R. Jackson in the Capitol of Georgia some years before his death, the proof is conclusively made that from the time when Columbus discovered America down to Appomattox there is no record and no proof of any solitary instance of a Southern born man ever having trod the deck of a slave ship that brought negroes from Africa to America. But history shows that in the reign of Queen Elizabeth, of England, in the latter part of the 16th and the beginning of the 17th century, she was personally, and as monarch, deeply interested in the slave traffic. At the treaty of Utrecht, in the latter part of the 16th century she entered into a treaty with Spain by which the British government obligated itself to the Spanish king that they would protect and defend those abominable slave-catching enterprises on the coast of Africa, for capturing negroes in their native wilds, bringing them across the ocean in slave ships in chains, and selling them mainly to the Spanish and Dutch colonies and to some extent to the English colonies of what is now the United States, including every one of the New England states, Massachusetts, New Hampshire, Vermont, Connecticut and Rhode Island territory not excepted, and that the number of Africans thus caught in the wilds of their native continent, and brought to America in chains and sold into slavery, should amount to not less than 125,000 in number. See an account of this transaction in the first volume

of Stevens' History of Georgia (I mean not Alex Stephens, but Dr. William B. Stevens).

Queen Anne of England, who came along nearly a century later in English history, was also a stockholder in a slave trade corporation for catching wild Africans and bringing them to this country and selling them into slavery. In later days the slave trade, up to and even after the Revolutionary war, was fostered and carried on with headquarters at places on the New England coast, and the celebrated Quaker, William Penn, though not engaged in the slave trade, or the wicked enterprise of catching wild Africans on their native continent and bringing them to this country, nevertheless bought and owned slaves, and died a slaveholder.

Now during all this time, our own beloved Georgia had clean hands on this subject. Her governing body not only prohibited the slave trade from Africa across the ocean, but from one colony into another, and prohibited the ownership of slaves in any form or by anybody on Georgia territory. I make bold to say that Georgia was the first civilized government on earth in the history of the human race since Adam came out of the Garden of Eden, that ever not only abolished but absolutely prohibited slavery either domestic or foreign. In the march of events over which her people had no control, slavery as a domestic institution afterwards came into existence on Georgia territory, and the Northern people sold most of their slaves because not profitable in that cold climate, sold them to the South where the climate was better suited, and gradually it came about by change of sentiment that the Northern states led off in abolishing and prohibiting slavery. In the meantime, large numbers of negroes had been congregated in the South, brought here by outsiders, and the burden was upon the Southern people. Now I make the claim that no nation on earth, since the world began, has a prouder record in dealing with a problem like this in the interests of kindness and humanity, than that of the Southern people. In fact, the Southern people have always shown a genius for government, including the government of inferior races, or of other races whether inferior or not. The Indians who came in contact with the Northern people were in the main exter-

minated. Where are the old Algonquins and the Pequoits, the Delawares, the Senecas and all the Six Nations? If they had been treated with the humanity, and yet governed with wisdom and firmness, thousands of them would have been here yet, just like the Seminoles, Creeks, Cherokees and Chocktaws of the South. I have seen it somewhere stated, and it is probably true, that today the Creeks and Cherokees, the Indians whose ancestors once inhabited what is now the territory of Georgia, are per capita the richest races of people on earth.

Now, how did the people of the South treat the negroes? I was thirty years old when emancipation came; I was well acquainted all over the state, and can speak from a wide experience. I never saw or heard of but one negro that died of consumption. Just one and no more. I never saw or heard of but one negro that went crazy. Why was this? Why, it was because in slavery times our laws were humane and kind. The negroes were well fed, well housed and well governed. Liquor was kept away from them. I never knew or heard of a solitary circumstance of any negro ever having starved or materially suffered for want of food—good wholesome food and plenty of it—and I do not believe that anybody else can truthfully tell of any such instance. The negroes were taught religion. They were encouraged habitually and universally to attend the white churches. Usually the white preacher preached to the white people in the forenoon and the negroes sat in the gallery or on benches towards the back part of the church prepared for them. In the afternoon the same preacher preached to the colored people in the main auditorium of the church, and the white people, such as wanted to do so, sat in the gallery. The negroes were encouraged to attend family prayers at the family residences of their masters, and the Christianity that they learned was the same pure religion—the religion of the new testament—adhered to by their owners. The people of the South were a religious people. It was true then as is true yet, (though perhaps more so then than now) that every neighborhood or nearly every neighborhood had its Methodist or Baptist or Presbyterian church, and I used to say that when traveling about in country dis-

tricts on a still day, any church that had a bell as big and as loud as the one that hung in the chapel at Old Penfield, where Mercer University used to be, could make its presence known by the ringing of that bell half way the distance to another church, nearly anywhere, all over the South. It was almost universal that every family either had its principal persons as members in some church, or adhered to religious thought and belief. This was all taught to the negroes and they learned it. No man can write about those good old days and tell the truth, unless he says that now when masters and slaves are nearly all dead and gone they were brothers in the churches in this life, and white and black, if they went to heaven, are together in eternity, just like they were here on earth.

I am saying this because I want to impress on everybody the sincerest belief that the old negro of before the war was quite a different person from many of the new negroes that we have since the war, though the latter are nothing like as bad as they are often painted. The ante-bellum negro is entitled to be looked upon with kindness, and in what I am going to say I mean to express a sentiment of kindness, to do an act of kindness towards the old-time negro, and I want everybody to feel and to know that what I am going to suggest about it is not only dictated by kindness, but by justice.

Now, what did the United States do to the negroes who were in slavery at the time the war ended? Why, they turned them loose to shift for themselves. The old law, as enacted by the Southern people, required the master to take care of his slave, to feed him and clothe him and have him doctored, and give him every necessity of life, and if he did not do this, he, the master, was punished and severely punished. The United States repealed all that. The negroes who were then grown had no schooling. They had no business education. They knew but little about law or the obligations of contract; and yet, remorselessly and cruelly they were by the federal government turned loose in the world to shift for themselves. It is no wonder they died by the thousands and that there are but few of those now alive who had arrived at 18 years and upwards when the war end-

ed 50 years ago. Of the few who grew up in slavery and who yet live, they have a just claim against the government that ought to be recognized and in some way compensated.

5.

Pensions for the Old Confederates; and the Old Time Negro Who Grew up a Slave.

Now, let us go back a minute. The war was not the fault of the South. It was an honest quarrel about the right of secession. It was not the fault of the South that this question was left unsettled in the constitution of the United States. Oceans of blood had to be shed in order to settle that dispute. It was not the fault of the South that the dispute came on. But the South was the sufferer. Her direct property loss by emancipation and otherwise exceeded four thousand million dollars. Her cities and houses burned and destroyed, her sons killed on their own soil, her children left orphans, impoverished and suffering.

The government has paid out somewhere around five or six thousand million dollars in pensions to the soldiers who fought on one side of that honest dispute and difference of opinion but never a red cent to the Confederate who, equally brave and just as honest, fought harder because his task was more difficult.

The enormous billions that have been paid in pensions go mainly to the Northern people. The pensioner gets his money and spends it on the stores and in any location of business in the neighborhood where he lives. I have heard it said that in hundreds of counties at the North the pensions paid by the federal government once or twice a year amount to from fifty to one hundred thousand dollars where the county is large and the pension roll is heavy, and thus is an enormous boon not only to the pensioner himself, but to the nighborhoods and county where he lives.

Through the tariff system of taxation, the South pays her part of this. Probably one third of all the pension money paid to the federal soldiers comes out of Southern pockets.

Now bear in mind that our Southern or Confederate sol-

diers have been drawing pensions to a considerable extent. But they draw them from the Southern states. In not one solitary cent do the Northern states share that burden with the people of the South. It all falls on the Southern states. I do not know whether our own pride would let us accept or not, but it is a pity that the North has never done anything or offered anything for the living Confederate, as the martyred McKinley did for the dead Confederate soldier.

The emancipation of the negroes threw the burden of their government and uplift on the people of the South. Our poor funds and charity funds take care of the negroes just like they do of the white people. But outside of that the white people have to pay in taxes enormous sums for the education of the negroes in the public schools. Some excellent people at the North have endowed colleges for higher education among the negroes, and in that way have reached a few, and a very few, but it is only what is perhaps by a misnomer called the better class of negroes that gets any benefit from it. The great mass of the laboring negroes, the negro that plows and hoes, gets none of that Northern money, and no benefit from it. It is the big-hearted, generous, friendly, philanthropic and charitable Southern white man that puts his hands in his pocket and pays his taxes that are used to educate the common negro boys and girls in the public schools throughout the South, and I feel warranted in saying that a fair estimate of what the white people of the South have paid in actual dollars and cents for the schooling of negro children of the South since emancipation, the Southern white men paying it out of their own pockets, and Southern white women and children of estates of those who have died, when added together will make one hundred million dollars or more paid in actual cash by the Southern people for the education of colored children.

Now what is the conclusion? Why, it is that what the United States government ought to do in this good day and time when the angel of peace is smiling over our land from Canada to the Gulf and from New England to California, is that the Southern states ought to be relieved from pay-

ing pensions to Confederate soldiers, and let the federal government come to the front and assume the payment of the pensions of Confederate soldiers, paying the money to the states and let the states disburse it to the old Confederates as heretofore; and then let our great government, impelled by the same sense of justice, pay a pension to every colored person now surviving—there are probably not over one hundred thousand of them now living—who was a slave at the date of Lincoln's emancipation proclamation and 18 years of age at that time, whether man or woman.

Don't think that this proposition is unreasonable just because it is new. I make it on my own suggestion, and no human being other than myself is in any way responsible for it. The entire expense would hardly add ten per cent to the present federal pension roll; and the national balance sheet will stand better at the judgment day, if this honest obligation to old Confederates and ex-slaves has been admitted and duly paid. It is absolutely right in law and in fact. It may take time and it may take agitation, but it ought not to be long before all men who love God and their country will say it is right and an effort in the direction mentioned be crowned with success.

The American people have had a glorious history, and they have a still more glorious destiny. The consolation in the minds of us old veterans is that when the veterans leave the priceless heritage of their deeds to the present and coming generations, our country is in the hands of a body of glorious young men, worthy to preserve our liberties and advance the destinies of our country, but of all other things that the United States can do and ought to do, the plainest as to the fundamental right and truth at the bottom of the proposition, and the most fraught with the fruits of kindness and benefit that is in the reach of our government is to promptly do justice on this pension problem in the manner I have stated.

6.

The Bugle Call.

And now at parting we in our hearts go back to the bugle call and the tented field.

"The story and the glory
Of the men who wore the gray,
Who have forever clung,
With a love that will not die
To the memories of our past,
Who are patient and who wait;
True and faithful to the last.

'Till the children of our foes
Shall be proud and glad to claim,
And to write upon one scroll
Every dear and deathless name
On our Southern Muster Roll."

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